

31 MAY 1977

OLC #77-2313

MEMORANDUM FOR: Legislative Counsel

VIA : Deputy Director for Administration
Chief, Central Cover Staff

FROM : F. W. M. Janney
Director of Personnel

SUBJECT : Compensation of Imprisoned Alien Employees
as Provided for in HR 6689

1. One of the provisions of HR 6689, now pending, is authorization to compensate alien employees who are imprisoned by a foreign government as a result of their employment by the United States. As currently written, the Bill gives the Secretary of State sole authority for determining that the imprisonment is because of an employment relationship with the United States. We believe this to be inappropriate for alien employees of the Agency because it could not only hamper an individual's chances of receiving such benefits but also present serious cover and security problems. There are many operational situations which could only be evaluated by the Director of Central Intelligence. Furthermore, in some instances a determination by the Secretary of State that an individual is eligible for these benefits could lead to disclosures that would further endanger that individual. Were the determination authority vested with the DCI with respect to alien employees of this Agency, these objectionable aspects could be overcome.

2. We believe that the proposed legislation poses a serious threat to the cover and security of Agency employees and operations and strongly recommend that HR 6689 be amended to give the DCI determination authority for this benefit with respect to the Agency's alien employees. Because the Central Cover Staff has considerable equity in this matter, we are also calling it to their attention.

F. W. M. Janney

STATINTL

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